

1 identification number from jail authorities, and then accessed his inmate trust account
2 and obtained telephone credits. (Id.) Plaintiff alleged that he notified his custodians
3 by means of ten complaints requesting that no more “global tel links” (“GTLs”) be
4 added to his account, to no avail. (Id.) Plaintiff also alleged that as a result of his
5 complaints to his custodians, he was transferred to administrative segregation status,
6 and, while subjected to such status, funds continued to be withdrawn from his account
7 without his permission. (Id.) Plaintiff alleged that, despite his numerous complaints,
8 defendant Castillo failed to help him obtain a return of his funds. (Id.) Thereafter,
9 plaintiff requested the assistance of defendant Jimeze, who also failed to help him
10 obtain the return of his funds. (Id.) On October 10, 2014, defendant Vasquez advised
11 plaintiff that he would investigate the matter, but failed to follow up with plaintiff
12 after that date. (Id.) Despite plaintiff’s complaints, GTLs were still placed on his
13 account, and funds were still withdrawn. (Complaint at 6.) Plaintiff further alleged
14 that Deputy Cramer (not a named defendant to this action), changed plaintiff’s phone
15 pin on six different occasions, but that all six of these pins were subsequently
16 obtained without his consent by other inmates for purposes of obtaining his trust
17 account funds. (Complaint at 7.) Plaintiff alleged that the defendants knew what was
18 occurring and failed to assist him or otherwise intervene to stop the theft of his funds.
19 (Id.)

20 The Complaint purported to be brought pursuant to 42 U.S.C. § 1983. Named
21 in the Complaint as defendants in their individual and official capacities were five
22 Twin Towers Correctional Facility employees: A. Castillo (“Castillo”), Sergeant; Al
23 Vasquez (“Vasquez”), inmate services; I. Jimeze (“Jimeze”), Sergeant; Mr. Sanchez
24 (“Sanchez”), Deputy; Mr. Gorajewski (“Gorajewski”), Deputy.

25 In accordance with the terms of the “Prison Litigation Reform Act of 1995”
26 (“PLRA”), the Court screened the Complaint prior to ordering service for purposes
27 of determining whether the action was frivolous or malicious; or failed to state a
28 claim on which relief might be granted; or sought monetary relief against a defendant

1 who was immune from such relief. See 28 U.S.C. §§ 1915(e)(2), 1915A(b); 42
2 U.S.C. § 1997e(c)(1).

3 After review and consideration of the Complaint under the foregoing standards,
4 the Court found that it suffered from the pleading deficiencies and dismissed the same
5 with leave to amend on November 5, 2015. On December 30, 2015, plaintiff filed a
6 First Amended Complaint ("FAC"). On January 13, 2016, the Court ordered service
7 of the FAC. Plaintiff's Notice of Submission of Documents to the United States
8 Marshal was due on or before February 12, 2016.

9 Despite the Court, *sua sponte*, granting plaintiff an extension of time, he has
10 failed to file his Notice of Submission of Documents within the allotted time, nor has
11 he requested an extension of time within which to do so. Accordingly, on or before
12 **April 15, 2016**, plaintiff is ORDERED to (a) show good cause in writing, if any
13 exists, why plaintiff has not filed his Notice of Submission of Documents; or (b) show
14 good cause in writing, if any exists, why plaintiff has failed to serve the defendants
15 within the requisite period of time, as the failure to do so constitutes a basis to dismiss
16 the action against such defendants pursuant to Fed. R. Civ. P. 4(m). Plaintiff is
17 forewarned that, if he fails to show cause, or otherwise respond to this Court's Order,
18 the Court will construe such unresponsiveness as further evidence of plaintiff's lack
19 of prosecution of this action, and that such lack of prosecution will constitute a basis
20 to dismiss this action in its entirety.

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22 DATED: March 25, 2016



23 DAVID T. BRISTOW
24 United States Magistrate Judge
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